

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2013 SEP 26 PM 6 00

IN THE UNITED STATES DISTRICT COURT
STEPHAN HARRIS, CLERK
CHEYENNE
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)

No. 13 CR 242 S

Plaintiff,)

18 U.S.C. §§ 371 and 922(j)
(Conspiracy to Possess Stolen Firearms)

v.)

BRYAN S. EVERLY,
TRAVIS J. HARDING,
AUSTIN D. ANDERSON,
SETH M. PEARCE,
and
ROBERT A. JOHNSON,

Defendants.)

INDICTMENT

THE GRAND JURY CHARGES THAT:

From on or about November 7, 2012, and continuing through on or about February, 2013, in the District of Wyoming, the Defendants, **BRIAN S. EVERLY (EVERLY), TRAVIS J. HARDING (HARDING), AUSTIN D. ANDERSON (ANDERSON), SETH M. PEARCE (PEARCE), and ROBERT A. JOHNSON**, did knowingly combine, conspire, confederate and agree together, with each other, and with other persons both known and unknown to the grand jury, to possess stolen firearms, including the following: an Armalite AR 180 rifle; Bushmaster AR 15 rifle; a Ruger Redhead .44 Magnum revolver; a Smith and Wesson 29, .44 Magnum revolver; a Smith and Wesson 66, .357 revolver; an FM (Arlo High Power) 9mm handgun; a SIG 1911, .22 handgun; a Charles Daley 12 gauge semi-automatic shotgun; and a Benelli Nova 12 gauge shotgun;

all of which had been shipped or transported in interstate or foreign commerce, knowing and having reasonable cause to believe the firearms were stolen.

In violation of 18 U.S.C. §§ 922(j)

MANNER AND MEANS

1. It was a part of the conspiracy that Defendants **EVERLY, HARDING,** and **ANDERSON** planned and committed a burglary of a residence in Rawlins, Wyoming to steal firearms.

2. It was further a part of the conspiracy that Defendants **EVERLY, HARDING,** and **ANDERSON** would use residences in Gillette, Wyoming and a vehicle to plan and carry out the theft, transportation and storage of the stolen firearms.

3. It was further a part of the conspiracy that Defendants **EVERLY, HARDING,** and **ANDERSON** intended to sell, and did sell, the stolen firearms for cash and/or controlled substances, to **PEARCE, JOHNSON** and others.

OVERT ACTS

In furtherance of the aforesaid conspiracy and in order to accomplish the objects thereof, the following overt acts were committed:

1. On or about November 7, 2012, Defendants **EVERLY, HARDING,** and **ANDERSON** burglarized a residence located at 1216 Birch Street in Rawlins, Wyoming and stole the following firearms: an Armalite AR 180 rifle; Bushmaster AR 15 rifle; a Ruger Redhead .44

Magnum revolver; a Smith and Wesson 29, .44 Magnum revolver; a Smith and Wesson 66, .357 revolver; an FM (Arlo High Power) 9mm handgun; a SIG 1911, .22 handgun; a Charles Daley 12 gauge semi-automatic shotgun; and a Benelli Nova 12 gauge shotgun.

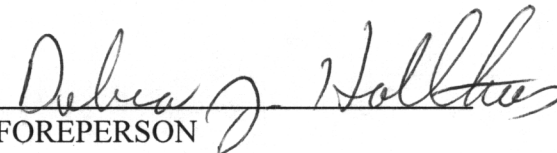
2. On or about November 7, 2012, Defendants **EVERLY, HARDING,** and **ANDERSON** transported the stolen firearms from Rawlins, Wyoming to Gillette, Wyoming.

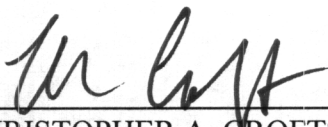
3. Between on or about November 2012, and on or about December 2012, **EVERLY** gave the stolen Smith and Wesson, .357 revolver to **PEARCE**, who traded it to another for cash and methamphetamine.

4. On or about December 2012, Defendants **EVERLY, HARDING,** and **ANDERSON** traded several of the firearms stolen from 1216 Birch Street in Rawlins, Wyoming, to **JOHNSON** for cash and/or controlled substances.

All in violation of 18 U.S.C. §§ 371 and 922(j).

A TRUE BILL:


FOREPERSON


CHRISTOPHER A. CROFTS
United States Attorney

PENALTY SUMMARY

DEFENDANT NAME: BRYAN S. EVERLY,
TRAVIS J. HARDING,
AUSTIN D. ANDERSON,
SETH M. PEARCE,
and
ROBERT A. JOHNSON,

DATE: September 24, 2013

INTERP NEEDED: _____ Yes XX No

THE GOVERNMENT, PURSUANT TO RULE 18, F.R.Cr.P., WITH DUE REGARD FOR THE CONVENIENCE OF THE DEFENDANT, ANY VICTIM AND WITNESSES, AND THE PROMPT ADMINISTRATION OF JUSTICE, REQUESTS TRIAL BE HELD IN:

_____ Cheyenne XX Casper _____ Lander _____ No Preference

VICTIM: XX Yes _____ No

SEAL CASE: _____ Yes XX No

OFFENSE: 18 U.S.C. §§ 371 and 922(j)
(Conspiracy to Possess Stolen Firearms)

PENALTIES: 0-5 YEARS IMPRISONMENT
\$250,000 FINE
3 YEARS SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

AGENT: Ryan Warne/ DCI
AUSA: Stuart S. Healy, III

ESTIMATED TIME OF TRIAL: XX 1-5 days _____ more than 5 days

THE GOVERNMENT WILL SEEK DETENTION IN THIS CASE:

XX Yes _____ No

The court should not grant bond because the Defendant is not bondable because there are detainers from other jurisdictions:

_____ Yes XX No